

REMARKS

Claims 24, 26-29 and 31-33 are pending in this application. Claims 24, 28 and 31 are independent claims. Claims 1-23, 25 and 30 were previously cancelled. Reconsideration and allowance of the present application are respectfully requested.

Double Patenting Rejection

Claims 24, 26 and 27 stand provisionally rejected on the ground of nonstatutory, obviousness-type double patenting as being unpatentable over claims 21 and 28 of copending U.S. Application No. 10/748,175, which is commonly owned with the present application, in view of U.S. Patent Application No. 6,735,267 ("Orii") (previously cited). Enclosed is a terminal disclaimer, obviating this nonstatutory double patenting rejection. Therefore, Applicant respectfully requests that the provisional rejection of claims 24, 26 and 27 on the ground of nonstatutory, obviousness-type double patenting as being unpatentable over claims 21 and 28 of copending U.S. Application No. 10/748,175 in view of Orii be withdrawn.

Claim 28 stands provisionally rejected on the ground of nonstatutory, obviousness-type double patenting as being unpatentable over claim 30 of copending U.S. Application No. 10/748,175, which is commonly owned with the present application, in view of Orii (previously cited). Enclosed is a terminal disclaimer, obviating this nonstatutory double patenting rejection. Therefore, Applicant respectfully requests that the provisional rejection of claim 28 on the ground of nonstatutory, obviousness-type double patenting as being unpatentable over claims 30 of copending U.S. Application No. 10/748,175 in view of Orii be withdrawn.

CONCLUSION

In view of the above remarks and amendments, Applicant respectfully submits that each of the rejections has been addressed and overcome, placing the present application in condition for allowance. A notice to that effect is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to contact the undersigned.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Gary D. Yacura at the telephone number of the undersigned below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,
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By



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